

Robert L. Powley (RP 7674)
James M. Gibson (JG 9234)
David J. Lorenz (DL 3072)
Powley & Gibson, P.C.
304 Hudson Street, 2nd Floor
New York, New York 10013
Telephone: (212) 226-5054
Facsimile: (212) 226-5085

Attorneys for Defendants
Forever 21, Inc., Forever 21 Retail,
Inc., Forever 21 Logistics, LLC,
Do Won Chang and Jin Sook Chang

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
ANNA SUI CORP.,

Plaintiff,

-v-

FOREVER 21, INC., FOREVER 21 RETAIL,
INC., FOREVER 21 LOGISTICS, LLC,
DO WON CHANG, JIN SOOK CHANG,
GADZOOKS, INC., GERALD P. SZCZEPANSKI
and JOHN DOES 1 to 20,

Defendants.
-----X

07 Civ. 3235 (TPG)(JCF)

**NOTICE OF DEFENDANTS' MOTION TO DISMISS CLAIMS 2, 3, AND 4 OF
PLAINTIFF'S FIRST AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM
UPON WHICH RELIEF CAN BE GRANTED PURSUANT TO FED. R. CIV. P. 12(b)(6)**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law,
Defendants Forever 21, Inc., Forever 21 Retail, Inc., Forever 21 Logistics, LLC, Do Won Chang,
and Jin Sook Chang by their undersigned counsel hereby move this Court for an Order pursuant

to Federal Rule of Civil Procedure 12(b)(6) dismissing Claims 2, 3, and 4 of Plaintiff Anna Sui Corp.'s ("Plaintiff") First Amended Complaint for failure to state a claim upon which relief can be granted and because the alleged claims are preempted under Section 301 of the Copyright Act, 17 U.S.C. § 301.

Dated: June 20, 2008

Respectfully submitted,

Powley & Gibson, P.C.

By: s/ Robert L. Powley
Robert L. Powley (RP 7674)
James M. Gibson (JG 9234)
David J. Lorenz (DL 3072)

304 Hudson Street, 2nd Floor
New York, New York 10013
Phone: 212-226-5054
Fax: 212-226-5085

Attorneys for Defendants
Forever 21, Inc., Forever 21 Retail
Inc., Forever 21 Logistics, LLC,
Do Won Chang and Jin Sook Chang

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of NOTICE OF DEFENDANTS' MOTION TO DISMISS CLAIMS 2, 3, AND 4 OF PLAINTIFF'S FIRST AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED PURSUANT TO FED. R. CIV. P. 12(b)(6) was served upon counsel for Plaintiff by ECF and by Hand on this 20th day of June 2008, addressed as follows:

Marya Lenn Yee, Esq.
DONOVAN & YEE LLP
The Soho Building
110 Greene Street, Suite 700
New York, New York 10012
(212) 226-7700

Julio M. Lopez